

BEFORE THE  
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

THIS DECISION DESIGNATES FORMER BENEFIT  
DECISION NO. 6433 AS A PRECEDENT  
DECISION PURSUANT TO SECTION  
409 OF THE UNEMPLOYMENT  
INSURANCE CODE.

In the Matter of:

DOROTHY JEAN HUTTENHOWER  
(Claimant)

PRECEDENT  
BENEFIT DECISION  
No. P-B-255

FORMERLY BENEFIT DECISION No. 6433
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S.S.A. No.

HUGHES AIRCRAFT COMPANY  
(Employer-Appellant)  
Florence & Teale

Employer Account No.

Referee's Decision  
No. LA-11681

STATEMENT OF FACTS

The employer appealed from the referee's decision which held that, although the claimant is ineligible for benefits under Section 1253(c) of the Unemployment Insurance Code, she is not disqualified or ineligible for benefits under Sections 1256 and 1309 of the code /now section 1264 of the code/ and that the employer's account is chargeable under Section 1032 of the code for any benefits which might subsequently be paid to the claimant based on wages earned from the employer.

The claimant was last employed for three years and eight months by the employer herein. During this period, she performed general clerical duties at wages ranging from \$1.10 an hour to \$1.78 an hour. Previously, the claimant had worked for two years until July 1951 as a theatre cashier at 65¢ an hour and for about ten months until April 1949 as a theatre usherette at the same rate of pay. The claimant, who is 23 years of age, has had no other employment experience.

Between the date that the claimant established her claim for benefits effective March 27, 1955 and the date of the referee's hearing on May 26, 1955, the claimant applied to five aircraft companies and two banks for employment. The applications to the aircraft companies were futile because of the fact that their policies regarding the employment of pregnant women were the same as those of the claimant's last employer. The claimant did not apply to any theatres for employment as a cashier. The claimant does not operate a typewriter or other office machines. Prior to the date of the referee's hearing, the claimant demanded a minimum wage of \$1.50 per hour. The prevailing wage in the claimant's area for the kind of work which she was qualified to perform was not over \$45 a week.

The issues to be decided are:

(1) Did the claimant voluntarily leave her employment with the employer or were her services terminated by the employer?

(2) If the claimant voluntarily left her employment, did she do so with good cause?

(3) Did the claimant leave her work for domestic reasons as set forth in Section 1309 of the Unemployment Insurance Code /now section 1264 of the code/?

(4) Was the claimant available for work and did she make an adequate search for work as required by Section 1253(c) of the code?

#### REASONS FOR DECISION

In this case, the claimant was in good physical condition and capable of performing the duties of her position with this employer. She did not seek a leave of absence but desired to continue working so long as her pregnancy did not interfere with her work. Under these circumstances, the employer was the moving party in terminating the claimant's employment; and we therefore hold that the employer's actions resulted in the layoff of the claimant (Benefit Decisions Nos. 5082 and 5900).

Pursuant to section 409 of the Unemployment Insurance Code, the above Benefit Decision No. 6433 is hereby designated as Precedent Decision No. P-B-255.

Sacramento, California, March 9, 1976.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

DON BLEWETT, Chairperson

MARILYN H. GRACE

CARL A. BRITSCHGI

HARRY K. GRAFE

RICHARD H. MARRIOTT